



#11 Letter re:
Notice of Appeal
S/N 10280-03
AF

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re the Application of:

OCT 07 2003

Ari SALOMAA

Art Unit: 2633

Technology Center 2600

Application No.: 09/885,387

Examiner: Sherif R. Fahmy

Filed: June 20, 2001

Attorney Dkt. No.: 59643-00123

For: MONITORING OF SIGNAL WAVELENGTHS IN OPTICAL FIBER

**REQUEST FOR EXPUNGEMENT OF NOTICE OF APPEAL FILED WITH RESPONSE
ON SEPTEMBER 22, 2003 AND REQUEST FOR A REFUND**

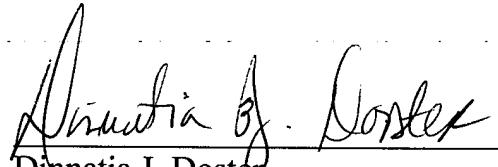
The undersigned respectfully submit that the Notice of Appeal filed with the Response on September 22, 2003 was filed in error because the claims in the present application have not yet been "twice rejected" as required by 35 U.S.C. § 134. The undersigned respectfully request that the Notice of Appeal filed on September 22, 2003 be expunged and purged from the record and request a refund of the fee so charged for the Notice of Appeal. Therefore, the U.S. Patent and Trademark Office should neither enter the Notice of Appeal nor respond to the Notice of Appeal. Accordingly, Applicant will file no Appeal Brief.

However, the Response and the Petition for an Extension of Time was properly filed under 37 C.F.R. § 1.121. The application should therefore remain pending

and the timely filed Response should be considered as a proper amendment.
Reconsideration of the Response is respectfully requested.

Any fees for filing this request together with any extension fees may be charged to
Counsel's Deposit Account 50-2222.

Respectfully submitted,



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